

1TC-214-1999115-00821

FEDERAL COMMUNICATIONS COMMISSION

DATE:

BUREAU/FEE SECTION TWO-WAY CORRESPONDENCE FORM

01/08/2001

TO:

- Fee Section, FOD - Room 452
- MMB - Room
- CCB - Room
- OET - Room

Other (Specify Bureau and Room Number):

APPLICANT'S NAME: Titan Wireless, Inc.

FEE CONTROL NUMBER:

FROM:

- Fee Section, FOD - Room 452
- MMB - Room
- CCB - Room
- OET - Room

Other (Specify Bureau and Room Number):

44-16-00-0358115 8115137 2 001

BUREAU/OFFICE ID NUMBER:

International/Telecom Division

This is to Notify You that Subject Application Requires Further Action:

Return or Refund for the following reason(s):

- NO FEE RECEIVED - FEE REQUIRED
- APPLICATION ATTACHED
- PROCESS APPLICATION
- FEE NOT ELIGIBLE FOR REFUND
- OTHER - PLEASE EXPLAIN IN REMARKS SECTION

REMARKS:

Applicant withdrew application. Please return application and refund \$815.00. 780.00

- NO FEE RECEIVED (S1.1 1 1 1a(1))
- INSUFFICIENT FEE - APPLICATION DISMISSED WITHIN 30 DAYS (S1.1 1 1 1a(2))
- DOES NOT MEET AGE REQUIREMENT (S1.1 1 1 1a(3))
- NEW RULE, LAW OR TREATY (S1.1 1 1 1a(4))
- WAIVER (S1.1 1 1 1a(5))
- OVERPAYMENT
- UNTIMELY FILED WINDOW FILING (S1.1 1 1 1a(5))
- FIRST COME, FIRST SERVED CONSTRUCTION PERMIT (S1.1 1 1 1(c))
- MODIFICATION OF EXISTING/PENDING AUTHORIZATION (S1.1 1 1 2(a))
- GOVERNMENT ENTITY (S1.1 1 12(a))
- NONCOMMERCIAL EDUCATIONAL OR INSTRUCTIONAL SERVICE (S1.1 1 12(c)(x)(1,2,3))
- INSTRUCTIONAL TV FIXED STATION EXEMPTION (S1.1 1 12(c)(4))
- RESTRICTED RAIOTELEPHONE (S1.1 1 12(e)(4,5))

Regulatory Fee:

- No fee required or excessive fee
- Overpayment
- Advance payment subject to S1.1 1 52
- New rule - license not valid
- License surrendered (PR services)
- Section 8 Application declined, return regulatory fee

BUREAU/OFFICE CONTACT: *Oliver Smith*

BUREAU/OFFICE APPROVAL:

FOR FEE SECTION USE ONLY

Copy returned to Bureau

Date Received: _____
Action Taken: _____

BY : _____ DATE: _____

* For Refund Overpayment, provide justification in remarks section.

STEPTOE & JOHNSON LLP

ATTORNEYS AT LAW

RECEIVED

NOV 30 2000

Telecom Division
International Bureau

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Washington, DC 20036-1795
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ORIGINAL

Colleen Sechrest
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November 27, 2000

RECEIVED

NOV 27 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA HAND DELIVERY
Magalie R. Salas,
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

**Re: Titan Wireless, Inc. – Application for Section 214 Authority to Provide
International Services Via Non-U.S. Licensed Satellites,
FCC File No. _____**

Dear Ms. Salas:

We are writing on behalf of Titan Wireless, Inc. (“Titan”) with respect to the above-referenced application for Section 214 authority to provide international services via non-U.S. licensed satellites. In particular, Titan requested Section 214 authority to provide services via the Mexican satellites, Solidaridad 1 and 2 and Morelos 2 (Satmex 5). This authority, however, is no longer necessary. The satellite Solidaridad 1 is no longer functioning, and the Commission has included both Solidaridad 2 and Satmex 5 on its list of permitted space stations.¹ Accordingly, Titan withdraws its application for specific Section 214 authority to communicate with these satellites.

Should you have any questions concerning the foregoing, please do not hesitate to contact the undersigned.

Respectfully submitted,



Pantelis Michalopoulos
Colleen Sechrest
Attorneys for Titan Wireless, Inc.

¹ See *In the Matter of Satelites Mexicanos S.A. de C.V.*, Petition for Declaratory Ruling, Order, File No. SAT-PDR-19991214-00131 (rel. Oct. 3, 2000).

Before the ~~C/MELTON~~

NOV 15 1999

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Titan Wireless, Inc.

File No. ITC-99-_____

Application Pursuant to Section 214 for
Authority to Provide International Facilities-
Based and Resale Services Over Solidaridad 1
and 2, and Morelos 2

APPLICATION FOR SECTION 214 AUTHORIZATION

I. INTRODUCTION

Titan Wireless, Inc. (“Titan Wireless”), hereby applies, pursuant to Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, for authority to provide facilities-based and resale services to all World Trade Organization (“WTO”) member countries via the Mexican-authorized satellites, Solidaridad 1 and 2 and Morelos 2, which are located at 109.2°, 113°, and 116.2° W.L. respectively. The proposed services will include international basic switched, non-interconnected private line, data, television, and business services.¹ In Part II, Titan Wireless demonstrates that the prompt grant of this Application is in the public interest. In Part III, Titan Wireless provides the information requested in 47 C.F.R. § 63.18. Titan

¹ 47 C.F.R. § 63.12(a).

respectfully submits that this application qualifies for streamlined processing under 47 C.F.R. § 63.12.

II. THE PROMPT GRANT OF THIS APPLICATION IS IN THE PUBLIC INTEREST

The prompt grant of this Application will serve the public interest, convenience and necessity, as it will enhance competition on the U.S.-Guatemala and other WTO country routes. In the Commission's *DISCO II Order*, the Commission established an open entry standard for those applicants seeking to access foreign satellite systems who: (1) intend to provide services, such as the basic telecommunications services proposed here, that are covered by the United States' WTO commitments;² and (2) intend to provide their services via satellite systems that are licensed by WTO Members,³ such as Morelos 2 and the Solidaridad System.⁴ Under this standard, the Commission will grant an application absent a demonstration that it poses a very high risk to competition that cannot be addressed by imposing additional conditions on the authorization.⁵ Certainly, this Application does not pose any such risk. Titan Wireless is a new entrant in the market for international services, and is not affiliated with any foreign carrier. Thus, grant of this Application will not impede competition in the international services

² *Amendment of the Commission's Regulatory Policies to Allow Non-U.S.-Licensed Space Stations to Provide Domestic and International Satellite Service in the United States*, 12 FCC Rcd. 24094, 24112 (1997) ("*DISCO II Order*").

³ *DISCO II Order* at 24118.

⁴ Morelos 2 and the Solidaridad System are licensed by the Government of the United Mexican States, a WTO member.

⁵ See *DISCO II Order* at 24112.

market on the routes in question. Rather, grant of this Application will enhance competition on these routes by increasing and improving the available service options.

The prompt grant of this Application is also compelled by the United States' obligations under a 1996 Agreement with Mexico. Under this Agreement, the Governments of the United States and Mexico agreed to "facilitate the provision of services to, from and within the United States and Mexico via commercial satellites that each Party licenses and coordinates pursuant to ITU Radio Regulations."⁶ To this end, the United States committed that:

Mexican Satellites will be permitted to provide service to, from and within the U.S., in conformance with applicable provisions of U.S. law, to the extent that these services enhance rather than distort competition in the U.S. market for Satellite Services, and to the extent that these services enhance public interest objectives.⁷

As just demonstrated, grant of this Application will serve the public interest by enhancing, not distorting competition on U.S.-Latin American routes. According, the prompt grant of this Application is compelled by the United States' clear obligation under the U.S.-Mexico Agreement.

III. INFORMATION PROVIDED PURSUANT TO SECTION 63.18

The following information is provided in compliance with Section 63.18 of the

Commission's Rules:

⁶ Agreement Between the Government of the United States of America and the Government of the United Mexican States Concerning the Transmission and Reception of Signals from Satellites for the Provision of Satellite Services to Users in the United States of America and the United Mexican States, Art. I, § 1, _____ U.S.T. _____, TIAS _____ (www.fcc.gov/ib/srd/treaty.txt), (Nov. 6, 1996) ("U.S.-Mexico Agreement").

⁷ U.S.-Mexico Agreement, Art. IV, § 1.1.

- (a) The name, address, and telephone number of the Applicant is:
Titan Wireless, Inc.
3033 Science Park Road
San Diego, California 92121
(858) 552-9500

(b) Titan Wireless is a corporation organized under the laws of the State of Delaware.

- (c) Correspondence concerning this Application should be directed to:

James T. Taylor
General Counsel
Titan Wireless, Inc.
3033 Science Park Road
San Diego, California 92121
(858) 552-9765

(d) Titan Wireless is authorized under Section 214 of the Communications Act to provide global facilities-based and resale services. *See* ITC-214-1990302-00203 (granted June 9, 1999).

(e) In this Application, Titan Wireless requests authority pursuant to 47 C.F.R. § 63.18(e)(4) to provide international facilities-based and resale services to WTO member countries via non-U.S. licensed satellites, including Solidaridad 1 and 2, and Morelos 2. Titan Wireless will provide the proposed services in the C-band via authorized earth stations. Titan Wireless will seek Title III authority to provide the proposed services via its own earth station in the near future. Titan Wireless certifies, by signature to this Application, that it will comply with the conditions contained in 47 C.F.R. §§ 63.21-23.

(f) At this time, Titan Wireless seeks no other authorization available under 47 C.F.R. § 63.18(e).

- (g) Titan Wireless is seeking facilities-based and resale authority under 47

C.F.R. § 63.18(e)(4) to provide international services via non-U.S. licensed satellites. The grant of this Application will not constitute a major action as defined in 47 C.F.R. § 1.1305.

Accordingly, no environmental information is required to be submitted with this Application under 47 C.F.R. § 1.1311.

(h) Titan Wireless is a wholly-owned subsidiary of Titan Corporation (“Titan”), a Delaware corporation. Titan’s principal business involves communications, information technology and sterilization systems. No individual or entity owns or control 10% or more of Titan’s stock. Titan Wireless has no interlocking directorates with U.S. or foreign common carriers.

The principal place of business of Titan Corporation is:

Titan Corporation
3033 Science Park Road
San Diego, California 92121
(858) 552-9500

(i) Titan Wireless certifies, by signature to this Application, that it is not affiliated with any foreign carrier.

(j) Titan wireless certifies, by signature to this Application, that it does not seek to provide service to any country in which (1) Titan Wireless is a foreign carrier; or (2)

Titan Wireless controls a foreign carrier; or (3) two or more foreign carriers (or parties that control foreign carriers) together own more than 25 percent of Titan Wireless and are parties to, or beneficiaries of, a contractual relation affecting the provision or marketing of international basic telecommunications services in the United States.

(k) Not applicable.

(l) Not applicable.

IV. CONCLUSION

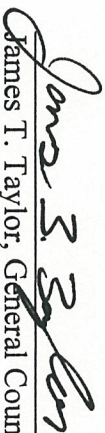
For the reasons set out above, Titan Wireless requests that the Commission promptly grant this Application for authority to provide international facilities-based and resale services via Solidaridad 1 and 2, and Morelos 2.

Dated: November 10th 1999

Respectfully submitted,

TITAN WIRELESS, INC.

By:



James T. Taylor, General Counsel

3033 Science Park Road
San Diego, California 92121
(858) 552-9765